BILL NO. S-89-01-26

SPECIAL ORDINANCE NO. S-31-89

**AN ORDINANCE** approving the awarding of Reference #871 by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Automotive & Industrial Supply, Inc. and Associated Tires, Inc. for the City Utilities Garage.

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA;**

**SECTION 1.** That Reference #871 between the City of Fort Wayne, by and through its Department of Purchasing and Automotive & Industrial Supply, Inc. and Associated Tires, Inc. for the City Utilities Garage, respectfully for:

> the purchase of automotive parts/supplies for 1989 used to maintain the city fleet for the City Utilities Garage;

involving a total cost of Seventy Thousand and no/100 Dollars ($70,000.00), - (Automotive & Industrial Supply, Inc. - $50,000.00; Associated Tires, Inc. - $20,000.00); all as more particularly set forth in said Reference #871 which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

**SECTION 2.** That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Councilmember

APPROVED AS TO FORM
AND LEGALITY

J. Timothy McCaulay, City Attorney

Reference # 871

Department CU Garage

Date 1/11/89

PURCHASING INFORMATION

Advertised Bid YES Opening Date 1/5/89
Dates Advertised 12/12 & 12/19

Written Quote _____ Due Date _____

Verbal Quote _____

Number of Vendors Notified 35

Number of Vendors Requesting Bid Information 8

Number of Vendors Responding 4

Number of Vendors Disqualified 1

Number of Vendors not Responding 31

Date Sent to Department for Recommendation 1/6/89

Date Recommendation is Received in Purchasing 1/10/89

Information Sent to Law Department 1/11/89

Introduction Date 1/24/89

Discussion Date _____

Passage Date _____

Ordinance # _____

Amount Approved and/or Spent Last Year, if Applicable _____

REFERENCE NO. 871
CU GARAGE
AUTOMOTIVE REPAIR PARTS/SUPPLIES

| OIL FILTER | AUTO & IND NAPA | ASSOC TIRE PUROLATOR | ALLEN CO MOTORCRAFT | NAT' AUTO |
|---|---|---|---|---|
| T196 | $1.58 | $1.99 | $3.42 | DISQUALIFIED |
| T143 | $1.58 | $2.50 | $3.09 | DUE TO N/C |
| T115 | $1.58 | $1.99 | $2.49 | STATEMENT |
| T223 | $1.58 | $2.83 | N/B | NOT FILLED |
| T224 | $1.58 | $1.99 | $3.47 | IN PROPERLY |
| T233 | $1.58 | $1.99 | $3.22 | |
| P361 | $5.01 | $4.22 | $3.28 | |
| P441 | $4.30 | $5.48 | $5.99 | |
| T225 | $1.58 | $1.99 | $3.40 | |
| T234 | $1.58 | $1.99 | $3.09 | |
| FUEL FILTER | | | | |
| GF-87 | $1.07 | $1.37 | $1.58 | |
| GF-111 | $5.28 | $6.91 | $7.31 | |
| GF-116 | $3.38 | $4.36 | $4.67 | |
| GF-27 | $1.07 | $1.47 | $1.78 | |
| GF-84 | $1.88 | $2.40 | $2.63 | |
| GF-2 | $1.07 | $1.27 | N/B | |
| 855 | $5.89 | $7.57 | $13.12 | |
| 981 | $3.72 | $4.57 | $5.51 | |
| 980 | $3.67 | $4.50 | $5.42 | |
| 992 | $3.63 | $4.91 | $5.34 | |
| 993A | $3.63 | $4.91 | $5.34 | |
| GF-102 | $2.31 | $3.18 | $3.26 | |
| GF-103 | $1.58 | $2.63 | $2.88 | |
| AIR FILTER | | | | |
| AF-145 | $1.81 | $2.52 | $4.36 | |
| AF-838 | $1.81 | $2.72 | $3.78 | |
| AF-139 | $1.81 | $2.72 | $3.51 | |
| AF-815 | $1.81 | $2.72 | $4.41 | |
| AF-847 | $2.99 | $3.32 | $4.14 | |
| AF-276 | $1.81 | $2.52 | $3.46 | |
| AF-4 | $1.81 | $2.52 | N/B | |
| AF-142 | $1.81 | $2.72 | $3.51 | |
| AF-828 | $5.17 | $3.52 | $7.36 | |
| AF-809 | $1.81 | $3.52 | $8.16 | |
| AF-842 | $1.81 | $2.72 | $3.76 | |
| AF-41 | $1.81 | $2.72 | N/B | |
| AF-110 | $1.81 | $2.72 | $5.13 | |
| AF-800 | $1.81 | $2.72 | $4.45 | |
| HOSES | | | | |
| 70957 | $4.71 | $4.38 | N/B | |
| 70782 | $7.04 | $4.44 | $3.91 | |
| 70646 | $2.65 | $2.45 | $2.75 | |

| | | | |
|---|---|---|---|
| 70463 | $4.74 | $4.42 | N/B |
| 70483 | $3.91 | $3.64 | N/B |
| 70637 | $2.06 | $1.91 | $2.13 |
| BELTS | | | |
| 5060505 | $8.48 | $8.31 | $8.55 |
| 15570 | $5.28 | $4.90 | $5.48 |
| 15485 | $4.41 | $4.24 | $4.38 |
| 15450 | $4.26 | $3.98 | $4.31 |
| SPARK PLUGS | | | |
| ASF-42 | $0.99 | $0.87 | $1.00 |
| AGR-42 | $0.99 | $0.87 | $1.00 |
| AWSF-42 | $0.99 | $0.87 | $1.00 |
| ARF-32C-6 | $0.99 | $0.87 | $1.00 |

| | QTY | COST EA | COST EA | COST EA |
|---|---|---|---|---|
| WASHER SOL | 1000 | $0.99 | $0.99 | $1.25 |
| TRANS FLUID | 10 | $163.35 | $222.35 * | $220.00 ** |
| TRANS FLUID | 120 | $11.52 | $11.88 | $12.00 |
| BRAKE CLEAN | 35 | $24.72 | $19.32 | $43.08 |
| CARB CLEAN | 35 | $18.24 | $12.60 | $36.36 |

*$20.00 DRM DEP/REFUNDABLE ON DRM RETURN
**$20.00 DRM DEP

INVITATION TO BID
DEPARTMENT OF PURCHASING
CITY OF FORT WAYNE, ALLEN COUNTY, INDIANA
ONE MAIN STREET - ROOM 350
219-427-1101

BID OPENING DATE: January 5, 1989 @ 11:00 AM BID REFERENCE # 871

BIDS SHOULD BE DELIVERED TO DEPARTMENT OF PURCHASING, ROOM 350, CITY-COUNTY BUILDING UP TO 11:00 A. M., ON OR BEFORE OPENING DATE.

SEALED BIDS WILL BE OPENED PUBLICLY AT 11:01 A.M. IN THE BOARD OF WORKS AND SAFETY CONFERENCE ROOM ON THE THIRD FLOOR OF THE CITY-COUNTY BUILDING. "NO LATE BIDS WILL BE ACCEPTED AFTER 11:00 A.M. FOR ANY REASON WHATSOEVER."

THIS INVITATION FOR BID IS FOR

AUTOMOTIVE REPAIR PARTS/SUPPLIES

AND REQUESTED BY CITY UTILITIES GARAGE .

PLEASE RETURN THIS FORM AND/OR ANY OF THE OTHER FORMS AS REQUESTED ON THE THE SHEET OF CONTENTS WITH YOUR SEALED BID.

THIS BID REQUIRES A $500.00 BID BOND, CERTIFIED CHECK, OR CASHIER'S CHECK OF ALL BIDDERS.

THIS BID REQUIRES A _____ 100% PERFORMANCE BOND OF SUCCESSFUL BIDDER(S).

PROMPT PAYMENT DISCOUNTS WILL BE ALLOWED AS FOLLOWS: _____ % IF PAID WITHIN _____ DAYS.

THE CITY OF FORT WAYNE IS EXEMPT FROM FEDERAL EXCISE AND INDIANA STATE SALES TAX. THE CITY'S INDIANA SALES TAX EXEMPTION CERTIFICATE NUMBER IS 356-001-255-0013. PRICES SHOULD NOT INCLUDE THESE TAXES.

THE EXECUTION HEREOF BY THE BIDDER IS ACCEPTANCE OF ALL TERMS AND CONDITIONS HEREIN AND IN THAT REGARD THE BIDDER AGREES TO BE BOUND BY SAME AND BE BOUND TO THE AMOUNT OF HIS/HER BID FOR A PERIOD OF NINETY (90) DAYS.

FIRM NAME Associated Tires, Inc.

STREET ADDRESS 2203 S. Lafayette St.

CITY Fort Wayne, IN 46803

BY M. E. Heston PHONE 219-744-2338
REPRESENTATIVE SIGNATURE

PRICE SHEET - AUTO REPAIR PARTS/SUPPLIES

| PART NO. | BRAND QUOTING | PART NO. | PRICE |
|---|---|---|---|
| **OIL FILTERS-HASTINGS** | | | |
| T196 | Purolator/Grp 7 | V81 | $ 1.99 |
| T143 | " " | PER194 | $ 2.50 |
| T115 | " " | V1A | $ 1.99 |
| T223 | " " | P115 | $ 2.83 |
| T224 | " " | V40 | $ 1.99 |
| T233 | " " | V111 | $ 1.99 |
| P361 | " " | PER88 | $ 4.22 |
| P441 | " " | PER288 | $ 5.48 |
| T225 | " " | V49 | $ 1.99 |
| T234 | " " | V173 | $ 1.99 |
| **FUEL FILTERS-HASTINGS** | | | |
| GF-87 | Purolator/Grp 7 | VG158 | $ 1.37 |
| GF-111 | AC Filter | GF481 | $ 6.91 |
| GF-116 | Purolator | PF3171 | $ 4.36 |
| GF-27 | " | VG13-1 | $ 1.47 |
| GF-84 | " | GF30 | $ 2.40 |
| GF-2 | " | VG11-1 | $ 1.27 |
| 855 | AC Filter | TP1006 | $ 7.57 |
| 981 | Purolator | PER31 | $ 4.57 |
| 980 | " | PER30 | $ 4.50 |
| 992 | AC Filter | T915 | $ 4.91 |
| 993A | AC " | TP916 | $ 4.91 |
| GF-102 | Purolator | PFC36 | $ 3.18 |
| GF-103 | Motorcraft | FG795A | $ 2.63 |
| **AIR FILTERS-HASTINGS** | | | |
| AF-145 | Purolator/Grp 7 | VA91 | $ 2.52 |
| AF-838 | " " | VA3380 | $ 2.72 |
| AF-139 | " " | VA84 | $ 2.72 |
| AF-815 | " " | VA3138 | $ 2.72 |
| AF-847 | " " | VA3472 | $ 3.32 |
| AF-276 | " " | VA113 | $ 2.52 |
| AF-4 | " " | VA4 | $ 2.52 |
| AF-142 | " " | VA90 | $ 2.72 |
| AF-828 | " " | VA3384 | $ 3.52 |
| AF-809 | " " | VA3181 | $ 3.52 |
| AF-842 | " " | VA3192 | $ 2.72 |
| AF-41 | " " | VA45 | $ 2.72 |
| AF-110 | " " | VA74 | $ 2.72 |
| AF-800 | " " | VA129 | $ 2.72 |

HOSES-DAYCO

| | | | |
|---|---|---|---|
| 70957 | Goodyear | 61029 | $ 4.38 |
| 70782 | " | 60897 | $ 4.44 |
| 70646 | " | 63726 | $ 2.45 |
| 70463 | " | 60634 | $ 4.42 |
| 70483 | " | 60722 | $ 3.64 |
| 70637 | " | 63735 | $ 1.91 |

BELTS-DAYCO

| | | | |
|---|---|---|---|
| 5060505 | Goodyear | 4060505 | $ 8.31 |
| 15570 | " | 25574 | $ 4.90 |
| 15485 | " | 25491 | $ 4.24 |
| 15450 | " | 25456 | $ 3.98 |

SPARK PLUGS-MOTORCRAFT

| | | | |
|---|---|---|---|
| ASF-42 | Motorcraft | ASF42 | $ .87 |
| AGR-42 | " | AGR42 | $ .87 |
| AWSF-42 | " | AWSF42 | $ .87 |
| ARF-32C-6 | " | ARF32C-6 | $ .87 |

| QTY | UNIT | DESCRIPTION | | UNIT | /EXTENSION |
|---|---|---|---|---|---|
| 1000 | GAL | WINDSHIELD WASHER SOLVENT | | $ .99 | /$ 990.00 |
| 10 | EA | 55 GAL DRM/DEXTRON II TRANS. FLUID | ** | $ 222.35 | /$ 2223.50 |
| 120 | CSE | QRT SIZE DEXTRON II TRANS. FLUID | | $ .99 | /$ 1425.60 |
| 35 | CSE | AEROSOL BRAKE CLEANER | | $ 1.61 | /$ 676.20 |
| 35 | CSE | AEROSOL CARBURETOR CLEANER | | $ 1.05 | /$ 441.00 |

**Plus $20.00 Drum Deposit/Refundable on Drum Return

ATTACHMENT C

# CERTIFICATION OF BIDDER/VENDOR

The undersigned, on behalf of Associated Tires, Inc., does hereby make the following representations to the City of Fort Wayne, Indiana.

WHEREAS, it is acknowledged that the Common Council of the City of Fort Wayne, Indiana, has passed an ordinance condemning the apartheid policies of the country of South Africa;

WHEREAS, Council's ordinance requires that all persons, firms or corporations submitting bids to the City, for goods and services, certify, as part of the bid, that such entity does not support the policies of apartheid in South Africa.

The undersigned states, on behalf of Associated Tires, Inc., that Associated Tires, Inc. does not support or endorse the policy of apartheid in South Africa.

IN WITNESS WHEREOF, this Certification has been signed this 4th day of January, 19 89.

Associated Tires, Inc.
(Name of Bidder/Vendor)

M. E. Heston, Manager
(Name and Title of Person Signing)
M. E. Heston - Manager

INVITATION TO BID
DEPARTMENT OF PURCHASING
CITY OF FORT WAYNE, ALLEN COUNTY, INDIANA
ONE MAIN STREET - ROOM 350
219-427-1101

BID OPENING DATE: January 5, 1989 @ 11:00 AM BID REFERENCE # 871

BIDS SHOULD BE DELIVERED TO DEPARTMENT OF PURCHASING, ROOM 350, CITY-COUNTY BUILDING UP TO 11:00 A. M., ON OR BEFORE OPENING DATE.

SEALED BIDS WILL BE OPENED PUBLICLY AT 11:01 A.M. IN THE BOARD OF WORKS AND SAFETY CONFERENCE ROOM ON THE THIRD FLOOR OF THE CITY-COUNTY BUILDING. "NO LATE BIDS WILL BE ACCEPTED AFTER 11:00 A.M. FOR ANY REASON WHATSOEVER."

THIS INVITATION FOR BID IS FOR

AUTOMOTIVE REPAIR PARTS/SUPPLIES

AND REQUESTED BY CITY UTILITIES GARAGE.

PLEASE RETURN THIS FORM AND/OR ANY OF THE OTHER FORMS AS REQUESTED ON THE THE SHEET OF CONTENTS WITH YOUR SEALED BID.

THIS BID REQUIRES A $500.00 BID BOND, CERTIFIED CHECK, OR CASHIER'S CHECK OF ALL BIDDERS.

THIS BID REQUIRES A _____ 100% PERFORMANCE BOND OF SUCCESSFUL BIDDER(S).

PROMPT PAYMENT DISCOUNTS WILL BE ALLOWED AS FOLLOWS: _____ %
IF PAID WITHIN _____ DAYS.

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THE EXECUTION HEREOF BY THE BIDDER IS ACCEPTANCE OF ALL TERMS AND CONDITIONS HEREIN AND IN THAT REGARD THE BIDDER AGREES TO BE BOUND BY SAME AND BE BOUND TO THE AMOUNT OF HIS/HER BID FOR A PERIOD OF NINETY (90) DAYS.

FIRM NAME Automotive & Industrial Supply

STREET ADDRESS 1119 S. Anthony

CITY Ft Wayne Indiana 46803

BY [signature] PHONE 422-7492
REPRESENTATIVE SIGNATURE

PRICE SHEET - AUTO REPAIR PARTS/SUPPLIES

| PART NO. | BRAND QUOTING | PART NO. | PRICE |
|---|---|---|---|
| **OIL FILTERS-HASTINGS** | | | |
| T196 | NAPA | 21068 | $ 1.58 |
| T143 | | 21380 | $ 1.58 |
| T115 | | 21515 | $ 1.58 |
| T223 | | 21258 | $ 1.58 |
| T224 | | 21061 | $ 1.58 |
| T233 | | 21040 | $ 1.58 |
| P361 | | 1789 | $ 5.01 |
| P441 | | 1742 | $ 4.30 |
| T225 | | 21069 | $ 1.58 |
| T234 | | 21036 | $ 1.58 |
| **FUEL FILTERS-HASTINGS** | | | |
| GF-87 | NAPA | 23052 | $ 1.07 |
| GF-111 | | 3481 | $ 5.28 |
| GF-116 | | 3079 | $ 3.38 |
| GF-27 | | 23046 | $ 1.07 |
| GF-84 | | 3054 | $ 1.88 |
| GF-2 | | 23032 | $ 1.07 |
| 855 | | 3136 | $ 5.89 |
| 981 | | 3219 | $ 3.72 |
| 980 | | 3218 | $ 3.67 |
| 992 | | 3118 | $ 3.63 |
| 993A | | 3120 | $ 3.63 |
| GF-102 | | 3086 | $ 2.31 |
| GF-103 | | 3081 | $ 1.58 |
| **AIR FILTERS-HASTINGS** | | | |
| AF-145 | NAPA | 22098 | $ 1.81 |
| AF-838 | | 26036 | $ 1.81 |
| AF-139 | | 22044 | $ 1.81 |
| AF-815 | | 22039 | $ 1.81 |
| AF-847 | | 6132 | $ 2.99 |
| AF-276 | | 22073 | $ 1.81 |
| AF-4 | | 22020 | $ 1.81 |
| AF-142 | | 22067 | $ 1.81 |
| AF-828 | | 6220 | $ 5.17 |
| AF-809 | | 22096 | $ 1.81 |
| AF-842 | | 26120 | $ 1.81 |
| AF-41 | | 22054 | $ 1.81 |
| AF-110 | | 22095 | $ 1.81 |
| AF-800 | | 22140 | $ 1.81 |

Prescribed by the State Board of Accounts

Form No. 95 (Revised 1987)

# BID, OFFER OR PROPOSAL FOR SALE OR LEASE OF MATERIALS

(Defined at I.C. 36-1-2-9.5)
(Please type or print)

Date: January 4, 1989

1. Governmental Unit: City of Fort Wayne
2. County: Allen
3. Bidder (Firm): Associated Tires, Inc.
   Address: 2203 S. Lafayette St.
   City/State: Fort Wayne, IN 46803
4. Telephone Number: 219-744-2338
5. Agent of Bidder (If applicable): M. E. Heston

Pursuant to notices given, the undersigned offers bid(s) to City Utilities Garage (Governmental Unit) in accordance with the following attachment(s) which specify the class or item number or description, quantity, unit, unit price and total amount.

The contract will be awarded by classes or items, in accordance with specifications. Any changes or alterations in the items specified will render such bid void as to that class or item. Bidder promises that he has not offered nor received a less price than the price stated in his bid for the materials included in said bid. Bidder further agrees that he will not withdraw his bid from the office in which it is filed. A certified check or bond shall be filed with each bid if required, and liability for breach shall be enforceable upon the contract, the bond or certified check or both as the case may be.

M. E. Heston
Signature of Bidder or Agent

## BID OFFER OR PROPOSAL

Attach separate sheet listing each item bid based on specifications published by governing body. Following is an example of the bid format:

| Class or Item | Quantity | Unit | Description | Unit Price | Amount |
|---|---|---|---|---|---|
| | | | | | |

## NON-COLLUSION AFFIDAVIT

STATE OF INDIANA )
) SS:
_____ COUNTY )

The undersigned bidder or agent, being duly sworn on oath, says that he has not, nor has any other member, representative, or agent of the firm, company, corporation or partnership represented by him, entered into any combination, collusion or agreement with any person relative to the price to be bid by anyone at such letting nor to prevent any person from bidding nor to induce anyone to refrain from bidding, and that this bid is made without reference to any other bid and without any agreement, understanding or combination with any other person in reference to such bidding.

He further says that no person or persons, firms, or corporation has, have or will receive directly or indirectly, any rebate, fee, gift, commission or thing of value on account of such sale.

Associated Tires, Inc.
Bidder (Firm)

M. E. Heston
Signature of Bidder or Agent

Subscribed and sworn to before me this 4 day of Jan, 1989.

My Commission Expires: 11-2-1989

County of Residence: Allen

Marjorie L. Colicho
Notary Public

MARJORIE L. COLICHO
Notary Public Printed Name

## ACCEPTANCE

There now being sufficient unobligated appropriated funds available, the contracting authority of _____ (Governmental Unit) hereby accepts the terms of the attached bid for classes or items numbered _____ and promises to pay the undersigned bidder upon delivery the price

HOSES-DAYCO

| | | | |
|---|---|---|---|
| 70957 | NAPA | 7872 | $ 4.71 |
| 70782 | | 7530 | $ 7.04 |
| 70646 | | 7447 | $ 2.65 |
| 70463 | | 7343 | $ 4.74 |
| 70483 | | 7311 | $ 3.91 |
| 70637 | | 7462 | $ 2.06 |

BELTS-DAYCO

| | | | |
|---|---|---|---|
| 5060505 | NAPA | 25-71284 | $ 8.48 |
| 15570 | | 25-14484 | $ 5.28 |
| 15485 | | 25-12274 | $ 4.41 |
| 15450 | | 25-11454 | $ 4.26 |

SPARK PLUGS-MOTORCRAFT

| | | | |
|---|---|---|---|
| ASF-42 | SAME | SAME | $ .99 |
| AGR-42 | | | $ .99 |
| AWSF-42 | | | $ .99 |
| ARF-32C-6 | | | $ .99 |

| QTY | UNIT | DESCRIPTION | UNIT | /EXTENSION |
|---|---|---|---|---|
| 1000 | GAL | WINDSHIELD WASHER SOLVENT | $ .99 | /$ 990.00 |
| 10 | EA | 55 GAL DRM/DEXTRON II TRANS FLUID | $ 163.35 | /$ 163.350 |
| 120 | CSE | QRT SIZE DEXTRON II TRANS FLUID | $ .96 | /$ 1382.40 |
| 35 | CSE | AEROSOL BRAKE CLEANER | $ 2.06 | /$ 865.20 |
| 35 | CSE | AEROSOL CARBURETOR CLEANER | $ 1.52 | /$ 638.40 |

Continental Insurance

# BID BOND

Approved by The American Institute of Architects,
A.I.A. Document No. A-310 (Feb. 1970 Edition)

KNOW ALL MEN BY THESE PRESENTS,

That we AUTOMOTIVE & INDUSTRIAL SUPPLY CO., INC.
1119 S. Anthony Blvd., Fort Wayne, IN 46803 as Principal, hereinafter called the Principal,
and THE CONTINENTAL INSURANCE COMPANY
, of 180 Maiden Lane, New York, New York 10038
a corporation duly organized under the laws of the State of New Hampshire , as Surety, hereinafter called the Surety, are held and firmly bound unto CITY OF FORT WAYNE, DEPARTMENT OF PURCHASING, ALLEN COUNTY
One Main Street, Room 350, Fort Wayne, IN 46802
, as Obligee, hereinafter called the Obligee,
in the sum of Five Hundred and no/100- - - - - - - - - - - - - - - - - - - - - - - - - Dollars
($ 500.00 ), for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for Miscellaneous Auto Parts and Supplies

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into a contract with the Obligee in accordance with the terms of such bid, and give such bond or bonds as may be specified in the bidding or contract documents with good and sufficient surety for the faithful performance of such contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of the Principal to enter such contract and give such bond or bonds, if the Principal shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Obligee may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this 5th day of January A. D. 1989

AUTOMOTIVE & INDUSTRIAL SUPPLY CO., INC. (Seal)
(Principal)

Cheryl K. Rank
(Witness)

By: [signature] V/P
(Title)

THE CONTINENTAL INSURANCE COMPANY (Seal)
(Surety)

Betty McKinney
(Witness)

By: [signature]
Donald R. Rush, (Title) Attorney

BOND 4392C

PRINTED IN U.S.A.

# The Continental Insurance Company

180 Maiden Lane, New York, New York 10038

## GENERAL POWER OF ATTORNEY

**Know all men by these Presents,** That THE CONTINENTAL INSURANCE COMPANY has made, constituted and appointed, and by these presents does make, constitute and appoint

Donald R. Rush of Fort Wayne, IN

its true and lawful attorney, for it and in its name, place, and stead to execute on behalf of the said Company, as surety, bonds, undertakings and contracts of suretyship to be given to

All Obligees

provided that no bond or undertaking or contract of suretyship executed under this authority shall exceed in amount the sum of

Fifteen Million ($15,000,000.) Dollars.

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of the Company on the 1st day of November, 1977:

"RESOLVED, that the Chairman of the Board, the Vice Chairman of the Board, the President, an Executive Vice President or a Senior Vice President or a Vice President of the Company, be, and that each or any of them is, authorized to execute Powers of Attorney qualifying the attorney named in the given Power of Attorney to execute in behalf of the Company, bonds, undertakings and all contracts of suretyship; and that an Assistant Vice President, a Secretary or an Assistant Secretary be, and that each or any of them hereby is, authorized to attest the execution of any such Power of Attorney, and to attach thereto the seal of the Company.

FURTHER RESOLVED, that the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company when so affixed and in the future with respect to any bond, undertaking or contract of suretyship to which it is attached."

**In Witness Whereof,** THE CONTINENTAL INSURANCE COMPANY has caused its official seal to be hereunto affixed, and these presents to be signed by one of its Vice Presidents and attested by one of its Assistant Vice Presidents this 1st day of May, 1985.

THE CONTINENTAL INSURANCE COMPANY

Attest:

By

Robert W. Adler, Sr., Assistant Vice President

Michael J. Beernaert, Vice President

STATE OF NEW YORK }
COUNTY OF NEW YORK } ss.:

On this 1st day of May, 1985, before me personally came Michael J. Beernaert, to me known, who being by me duly sworn, did depose and say that he is a Vice President of THE CONTINENTAL INSURANCE COMPANY, the corporation described in and which executed the above instrument; that he knows the seal of the said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation and that he signed his name thereto by like order.

ETHEL TARANTO
NOTARY PUBLIC, State of New York
No. 24-4663117 Qual. in Kings County
Commission Expires March 30, 1986

**CERTIFICATE**

I, the undersigned, an Assistant Vice President of THE CONTINENTAL INSURANCE COMPANY, a New Hampshire corporation, DO HEREBY CERTIFY that the foregoing and attached Power of Attorney remains in full force and has not been revoked; and furthermore that the Resolution of the Board of Directors, set forth in the said Power of Attorney, is now in force.

Signed and sealed at the City of New York, in the State of New York. Dated the 5th day of January ,19 89

James M. Keane, Assistant Vice President



Printed in U.S.A.

ATTACHMENT C

## CERTIFICATION OF BIDDER/VENDOR

The undersigned, on behalf of Automotive & Industrial Supply Co.,Inc., does hereby make the following representations to the City of Fort Wayne, Indiana.

WHEREAS, it is acknowledged that the Common Council of the City of Fort Wayne, Indiana, has passed an ordinance condemning the apartheid policies of the country of South Africa;

WHEREAS, Council's ordinance requires that all persons, firms or corporations submitting bids to the City, for goods and services, certify, as part of the bid, that such entity does not support the policies of apartheid in South Africa.

The undersigned states, on behalf of Automotive & Industrial Supply Co.,Inc., that same does not support or endorse the policy of apartheid in South Africa.

IN WITNESS WHEREOF, this Certification has been signed this 5th day of January, 1989.

Automotive & Industrial Supply Co.,Inc.
(Name of Bidder/Vendor)

AGENT
(Name and Title of Person Signing)

Prescribed by the State Board of Accounts

Form No. 95 (Revised 1987)

# BID, OFFER OR PROPOSAL FOR SALE OR LEASE OF MATERIALS

(Defined at I.C. 36-1-2-9.5)
(Please type or print)

Date: January 5, 1989

1. Governmental Unit: _____
2. County: _____
3. Bidder (Firm): Automotive & Industrial Supply Co., Inc.
   Address: 1119 South Anthony Blvd.
   City/State: Fort Wayne, IN 46803
4. Telephone Number: 219 422-7492
5. Agent of Bidder (If applicable): Timothy J. Bastress

Pursuant to notices given, the undersigned offers bid(s) to _____ (Governmental Unit) in accordance with the following attachment(s) which specify the class or item number or description, quantity, unit, unit price and total amount.

The contract will be awarded by classes or items, in accordance with specifications. Any changes or alterations in the items specified will render such bid void as to that class or item. Bidder promises that he has not offered nor received a less price than the price stated in his bid for the materials included in said bid. Bidder further agrees that he will not withdraw his bid from the office in which it is filed. A certified check or bond shall be filed with each bid if required, and liability for breach shall be enforceable upon the contract, the bond or certified check or both as the case may be.

Signature of Bidder or Agent

**BID OFFER OR PROPOSAL**

Attach separate sheet listing each item bid based on specifications published by governing body. Following is an example of the bid format:

| Class or Item | Quantity | Unit | Description | Unit Price | Amount |
|---|---|---|---|---|---|
| | | | | | |

**NON-COLLUSION AFFIDAVIT**

STATE OF INDIANA )
) SS:
Allen COUNTY )

The undersigned bidder or agent, being duly sworn on oath, says that he has not, nor has any other member, representative, or agent of the firm, company, corporation or partnership represented by him, entered into any combination, collusion or agreement with any person relative to the price to be bid by anyone at such letting nor to prevent any person from bidding nor to induce anyone to refrain from bidding, and that this bid is made without reference to any other bid and without any agreement, understanding or combination with any other person in reference to such bidding.

He further says that no person or persons, firms, or corporation has, have or will receive directly or indirectly, any rebate, fee, gift, commission or thing of value on account of such sale.

Automotive & Industrial Supply Co.
Bidder (Firm)

Signature of Bidder or Agent

Subscribed and sworn to before me this 5th day of January, 1989.

My Commission Expires: 10-08-90

County of Residence: Allen

Notary Public

Mary Ann Elliott
Notary Public Printed Name

**ACCEPTANCE**

There now being sufficient unobligated appropriated funds available, the contracting authority of _____ (Governmental Unit) hereby accepts the terms of the attached bid for classes or items numbered _____ and promises to pay the undersigned bidder upon delivery the price

Read the ~~first~~ time in full and on motion by Henry, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee on City Utilities (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock ____.M.,E.S.T.

DATED: 1-24-89

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by GiaQuinta, seconded by Henry, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

| | AYES | NAYS | ABSTAINED | ABSENT |
|---|---|---|---|---|
| TOTAL VOTES | 9 | | | |
| BRADBURY | ✓ | | | |
| BURNS | ✓ | | | |
| GiaQUINTA | ✓ | | | |
| HENRY | ✓ | | | |
| LONG | ✓ | | | |
| REDD | ✓ | | | |
| SCHMIDT | ✓ | | | |
| STIER | ✓ | | | |
| TALARICO | ✓ | | | |

DATED: 2-14-89

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ANNEXATION)~~ ~~(APPROPRIATION)~~ ~~(GENERAL)~~ (SPECIAL) (~~ZONING~~ MAP) ORDINANCE ~~RESOLUTION~~ NO. S-31-89 on the 14th day of February, 1989,

ATTEST: Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

SEAL: Charles B. Redd
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of February, 1989, at the hour of 1:30 o'clock P.M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 15th day of February, 1989, at the hour of 2:15 o'clock P.M.,E.S.T.

PAUL HELMKE, MAYOR

DIGEST SHEET

TITLE OF ORDINANCE: Special S-89-01-26

DEPARTMENT REQUESTING ORDINANCE: Purchasing

SYNOPSIS OF ORDINANCE: An ordinance approving the award of Reference No. 871 with respect to the purchase of automotive parts/supplies for the City fleet for 1989. The costs reflect the lowest and most responsible vendors.

EFFECT OF PASSAGE: This will enable the CU Garage to maintain the City fleet in an efficient and timely manner for various repairs.

EFFECT OF NON-PASSAGE: Without the purchase of these materials, downtime of equipment and vehicles would result in lost production and services to the citizens of Ft Wayne.

MONIES INVOLVED: Automotive & Ind $50000.00+/-
Associated Tire $20000.00+/-

SOURCE OF FUNDING: City Utilities Garage
Fund Line: 702-803-G154-4239
Fund Line: 702-803-G154-4234

BILL NO. S-89-01-26

REPORT OF THE COMMITTEE ON CITY UTILITIES

WE, YOUR COMMITTEE ON CITY UTILITIES TO WHOM WAS REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ approving the awarding of Reference #871 by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Automotive & Industrial Supply, Inc. and Associated Tires, Inc. for the City Utilities Garage

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) ~~(RESOLUTION)~~

| YES | | NO |
|---|---|---|
| Mark E. GiaQUINTA | MARK E. GiaQUINTA<br>CHAIRMAN | |
| Thomas C. Henry | THOMAS C. HENRY<br>VICE CHAIRMAN | |
| David C. Long | DAVID C. LONG | |
| | PAUL M. BURNS | |
| Samuel J. Talarico | SAMUEL J. TALARICO | |

CONCURRED IN 2-7-89.

Sandra E. Kennedy

Sandra E. Kennedy
City Clerk